

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMAZON.COM INC, *et al.*,

Plaintiffs,

v.

AALITOOD, *et al.*,

Defendants.

Case No. C23-679-MJP

ORDER

This matter is before the Court on Plaintiffs Amazon.com Inc., Amazon.com Services LLC, Canon Kabushiki Kaisha, and Canon USA Inc.’s (collectively, “Plaintiffs”) Status Report submitted September 8, 2023 (“Status Report” (dkt. # 9)).

On May 10, 2023, Plaintiffs filed a complaint against entities doing business as 29 Amazon Selling Accounts (“Defendants”) and “Does 1-10.” (Compl. (dkt. # 1) at ¶¶ 10-11, Schedule 1A.) On August 21, 2023, the Honorable Marsha J. Pechman referred the case to the undersigned pursuant to General Order 03-23 to handle all issues related to service. (Dkt. # 7; Gen. Order 03-23 (W.D. Wash.)) On August 23, 2023, this Court issued an order to file a status report by September 8, 2023. (Dkt. # 8; Status Report.)

1 In the Status Report, Plaintiffs explain that they believe all Defendants are located abroad  
2 because the Amazon Selling Accounts were accessed from IP addresses in China, and therefore  
3 the Rule 4(m) 90-day deadline for service does not apply. (Status Report at 1-2 (citing Fed. R.  
4 Civ. P. 4(m)).) Plaintiffs report that they continue to actively investigate Defendants' true  
5 identities by working with the payment service provider that maintains the bank accounts  
6 defendants linked to their Amazon Selling Accounts. (*Id.*) Within 120 days, Plaintiffs expect to:  
7 (1) file an amended complaint naming individuals and/or entities responsible for the Amazon  
8 Selling Accounts at issue; and (2) move for leave to serve Defendants via alternative service. (*Id.*  
9 at 2-3.)

10 Federal Rule of Civil Procedure 4(m) requires the Court to dismiss an action against a  
11 defendant, or order that service be made within a specified time, if the defendant is not served  
12 within 90 days after the Complaint is filed. The 90-day time limit for service in Rule 4(m),  
13 however, "does not apply to service in a foreign country[.]" Fed. R. Civ. P. 4(m); *see also Lucas*  
14 *v. Natoli*, 936 F.2d 432, 432 (9th Cir. 1991) ("[T]he plain language of Rule 4 . . . makes the [time  
15 limit for] service provision inapplicable to service in a foreign country[.]"). Despite the lack of  
16 an express time limit, Rule 4(m) "does not preclude the court from 'setting a reasonable time  
17 limit for service in a foreign country to properly manage a civil case.'" *Inst. of Cetacean*  
18 *Research v. Sea Shepherd Conservation Soc'y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015)  
19 (quoting *Baja Devs. LLC v. TSD Loreto Partners*, 2009 WL 2762050, at \*1 (D. Ariz. Aug. 26,  
20 2009)).

21 Because Plaintiffs' investigation to date indicates that all Defendants will likely need to  
22 be served in a foreign country, the Court concludes additional time to serve is warranted. The  
23 Court therefore DIRECTS Plaintiffs to, within 120 days of the date this Order is signed: (1) file

1 an amended complaint; and (2) serve Defendants, move for alternative service, or, if unable to do  
2 so, file a status report detailing their efforts to serve Defendants.

3 The Clerk is directed to send copies of this Order to the parties and to the Honorable  
4 Marsha J. Pechman.

5 Dated this 20th day of September, 2023.

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7 MICHELLE L. PETERSON  
8 United States Magistrate Judge  
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